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Counsel for Plaintiffs in Member Case CV-24-87

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

CENTER FOR BIOLOGICAL
DIVERSITY, et al.,

Plaintiffs,

WESTERN WATERSHEDS PROJECT, et
al.,

Consolidated Plaintiffs,

ANIMAL WELLNESS ACTION, et al.,

Consolidated Plaintiffs,

vs.

UNITED STATES FISH AND WILDLIFE
SERVICE, et al.,

Lead Case
CV-24-86-M-DWM

Member Cases
CV-24-87-M-DWM
CV-24-97-M-DWM

DECLARATION OF ROGER
DOBSON

Federal-Defendants,
And

SPORTSMEN'S ALLIANCE
FOUNDATION, et al.,

Defendant-Intervenors

Pursuant to 28 U. S. C. § 1746, I, Roger Dobson, declare under penalty of perjury that the following is true and correct:

1. I am submitting this declaration on behalf of myself and Protect The Wolves. I have personal knowledge of each of the facts set forth below.
2. I am an enrolled member of the federally recognized Cowlitz Tribe, a Salishan Indigenous nation with Tribal government offices located in Longview, Washington. We, the Cowlitz Indian Tribe, are the Forever People. Cowlitz means Seekers of the Medicine Spirit. Since the beginning of time, we have nurtured our community by stewarding our land and rivers, investing in our people and culture, and promoting self-determination and prosperity for future generations. We are a people with a rich legacy of tradition and relationship to our place in the Pacific Northwest, which continues to guide our vision as leaders in the region.

3. I have studied economics and environmentalism at Shasta College in Redding, California in 1979.

4. I am the Director of Tribal Cultural Resources at Protect The Wolves and Wolf Mountain Sanctuary located in Lucerne Valley, Ca. I have held this position since 2011.

5. Protect The Wolves is a Tribal member founded non-profit conservation organization that works tirelessly to protect our Sacred Tribal Beliefs which include protecting our children's resources such as wolves, grizzlies, wild horses, and buffalo, as well as their environment. Protect The Wolves strives to safeguard the religious beliefs of Native Americans and believes it is essential to educate the younger generation about the significance of conserving and protecting sacred wolves. Protect The Wolves is committed to working with government agencies, conservation organizations, local communities, and Native American Tribes to protect the gray wolf and restore its ecological balance. Protect The Wolves has approximately 54,000 supporters across the Western United States, including many who reside in Montana, Idaho, and Wyoming. The organization maintains an office in Lucerne Valley, California, where much of its work to conserve gray wolves occurs.

6. I value my work as a Tribal Cultural Resources Director with Protect The Wolves because it allows me to have daily interactions with wolves, which I find to be a fascinating and inspiring animal interaction, whereby I learn about how studious our sacred wolves are.

7. I am also the Media Director of Protect The Wolves Pack, an affiliate organization of Protect The Wolves that provides an opportunity for members of the public to join in grassroots efforts to protect and restore wolves. I have served in this position since 2011 and my job duties include managing media campaigns and management of our social media platforms and our own websites.

8. Protect The Wolves strongly supports the relisting of the gray wolf under the Endangered Species Act ("ESA") in Montana, Idaho, Wyoming, and in eastern Washington and Oregon, where the species currently lacks federal protections. Protect the Wolves believes that the best available science on the threats to wolves supports federal protections for the species across the western United States. This critical step is necessary to protect this iconic species and ensure its long-term survival and recovery, honoring the deep spiritual connection that many Native American Tribes as well as individual Tribal members have with the wolf, including myself.

9. A substantial part of our work is focused on urging robust conservation measures to protect gray wolves and their habitat, while also respecting the cultural rights, traditions, and Religious views of Native American Tribes and Tribal Members. Such conservation measures should include:

- a) Habitat Protection: Safeguarding critical wolves that originate from Sacred Tribal Lands, including forests, wetlands, and open grasslands by removing livestock from federally-managed public lands is a beginning;
- b) Predator Control Regulation: Implementing policies to reduce the indiscriminate killing of wolves and other predators with traps, snares, snowmobiles as well as hunting;
- c) Public Education and Outreach: Promoting public awareness and understanding of wolves and their ecological role, as well as their cultural significance to Native American Tribes;
- d) Tribal Consultation: Engaging with Native American Tribes to ensure that wolf conservation efforts are culturally sensitive and respectful;
- e) Tribal Member Founded Organization Consultation: Engaging with Native American Tribal Member Organizations to ensure that wolf

conservation efforts are regarded as culturally sensitive, significant, and respectful of our religious beliefs; and

f) Scientific Research: Supporting research to improve wolf management and conservation efforts, including studies on the cultural and spiritual significance of wolves.

10. An example of Protect The Wolves advocacy efforts includes our 2017 petition to the state governments of Montana, Wyoming, and Idaho to create a Sacred Resource Protection Safety Zone of 50 kilometers (approximately 31 miles) around Yellowstone and Grand Teton National Parks, amending state hunting regulations to institute a year-round closure to wolf hunting and wolf trapping in this area to protect Park wolf packs from depredations by hunters and trappers in neighboring unprotected lands. The state governments declined to respond to this petition, instead instituting regulations that allowed hunting and trapping of wolves right up to the boundaries of Yellowstone and Grand Teton National Parks.

11. As a result of this lack of state (and ESA) protection, wolves primarily inhabiting both Yellowstone and Grand Teton National Parks have been killed after wandering across park boundaries. One such egregious example includes Montana Governor Gianforte's illegal killing of Yellowstone Park Wolf 1155 in a trap about 10 miles north of the Park boundary in Park County, Montana. This wolf killing was

illegal because Governor Gianforte had failed to obtain the proper trapper certification required in Montana to kill a wolf that was caught in a leghold trap. The Governor received only a written warning from state wildlife officials for this illegal wolf killing. This type of killing – which harms the mission and interests of Protect the Wolves – would not be allowed to occur if wolves were afforded the ESA protective status they deserve.

12. Another example is the 2018 killing of a female wolf inside Grand Teton National Park by Wyoming hunting guide and outfitter, Brian Taylor, who claimed he thought he was outside the Park’s boundaries when the killing occurred. This presumably would not have happened if the Sacred Resource Protection Safety Zone proposed by Protect the Wolves had been put in place to prevent the killing of wolves or if ESA protections were afforded to the species. While Brian Taylor was convicted in federal court and paid a \$5,000 fine, the Wyoming Board of Outfitters and Professional Guides gave Taylor a conditional one-year license to continue operating as a guide and outfitter in Wyoming.

13. Each year, aggressive wolf hunting and trapping seasons and lax protective regulations result in national park wolves being killed during state-sponsored hunting and trapping seasons. For example, during the 2021-2022 season, 25 wolves were killed outside of Yellowstone National Park in Montana, including

the entire Phantom Lake pack and wolves from the Junction Butte and Eight Mile packs, while one wolf was killed in Wyoming. These killings would have been prevented by implementation of the Sacred Resource Protection and Safety Zone petitioned by Protect The Wolves and by ESA protections sought in this case. The decisions of state governments to ignore the need to close lands adjacent to national parks to wolf hunting and trapping is consistent with these states' consistent and chronic prioritization of wolf killing and population reduction over wolf conservation and recovery. These state actions, all of which would be prohibited if wolves were given the ESA protective status they deserve, have harmed, are harming, and continue to harm the goals and mission of Protect the Wolves and individuals like me.

14. The recent court ruling to relist the gray wolf in the lower 48 states, while a significant victory for wildlife conservation and a recognition of the cultural significance of the wolf to Indigenous peoples, excludes certain populations in the Northern Rocky Mountains, among them Yellowstone's Ancestral Sacred Lands. This ruling is also on appeal to the Ninth Circuit.

15. Protect The Wolves petitioned the Service, along with many other organizations, to reinstate protections for gray wolves in the Congressionally-created and Congressionally-delisted region of the Northern Rocky Mountains ("NRM"), or

alternatively, that gray wolves in the NRM be included in a broader, Western U.S. Distinct Population Segment (“DPS”) and be afforded the full protections of the ESA. The Service’s not-warranted finding on our petition and, thus, continued exclusion of certain populations of wolves in the NRM, irreparably harms the interests of Protect The Wolves and its supporters and staff (including myself) in a number the following ways.

16. This offensive exclusion of gray wolves in the NRM is an insult to Religious Beliefs for Native American wildlife conservation as it also excludes the cultural significance of the wolf to Indigenous peoples that originate from the Indigenous Sacred Lands of what is now known and managed as Yellowstone National Park. Indigenous people lived in Yellowstone more than 10,000 years ago, with a total of 26 Tribes having ancestral connections to Yellowstone National Park – land that is still considered sacred by my Tribe and other Tribes.

17. Native American Tribes have revered the wolf as a symbol of strength, loyalty and wisdom. Wolves are often considered spiritual beings, connected to the natural world and the divine. Many Tribes incorporate wolf imagery and symbolism into their art, storytelling, and religious ceremonies. The exclusion of certain populations of wolves in the Northern Rocky Mountains is an affront to the Sacred Beliefs of Indigenous People and demonstrates an appalling and unforgivable lack of

respect of Indigenous Religious Beliefs. The federal government does not interfere with the white man's religious beliefs yet seems to still target the Sacred Beliefs of Indigenous Peoples.

18. Refusing to list wolves in the NRM under the ESA (and relatedly, failing to base listing decisions on the best available science) inevitably results in reductions in wolf population density and/or behavioral avoidance of humans. Without federal ESA protections in place, critical conservation measures such as prohibitions on take, consultation, recovery planning, and designating critical habitat will not be implemented. And without federal ESA protections, the larger population of wolves in the western United States is unlikely to survive and recover due to small population numbers of excessively high and unsustainable levels of human-caused mortality, especially in the NRM.

19. By relisting the gray wolf in the NRM and providing protective ESA status to wolves in the western United States, the Service can honor the sacred Religious Beliefs of Native American Tribes as well as individual Tribal Members, while protecting a vital part of our cultural and natural heritage. Listing the gray wolves under the ESA will ensure that this magnificent species thrives for generations of our children to come.

20. I reside in California with my family. I have lived in Lucerne Valley since 2020. I was born in Washington and later moved to Montana to be closer to nature and pursue my commitment to conservation work.

21. I have long been actively engaged in cultural, spiritual and recreational pursuits including hiking, backpacking, fishing and wildlife viewing. I am an avid wolf viewer and make regular visits to Yellowstone National Park to view wolves. I have also viewed, as well as searched for, wolves in other parts of their range including eastern Washington (Colville area, Yakima area), Idaho's northern and southeastern areas, and Montana's western and southern areas (including Glacier and Yellowstone National Parks).

22. I love viewing wildlife in Alaska, Yellowstone National Park, Glacier National Park, Grand Teton National Park, and Grand Canyon National Park. I have been fortunate to have wolves, including grizzly bears, come to within 300 feet of me to apparently feed their curiosity. I view wolves every year in Yellowstone National Park, which results in hours of film documentation.

23. The experience of viewing wolves for myself and other Tribal members is much like the same experience as the Wasichus (White Man's) church. It allows us to connect closer with our creator through these interactions. The experience of seeing a wolf in its natural habitat makes us work even harder to protect this iconic

species for our children's children to enjoy. We are nothing more than caretakers of Mother Earth and all of her exultant beauty and species. My wolf viewing experiences have helped to increase our research regarding conservation protection so that wolves will still exist for the coming generations to view and enjoy.

24. I last visited Yellowstone National Park to view wolves on April 1, 2024. I spent two-months there filming the Mallies, Junction Butte, and the Lamar Packs while educating Park Visitors with what is happening to our wolves. I visit and will continue to visit Yellowstone National Park specifically to view wolves approximately once a year, spending typically from two weeks to two months searching for wolves, while engaging in cultural and spiritual practices to honor our sacred species. I also spend all day long educating Yellowstone National Park visitors about wolves and what is happening to them, the legal Battle to get our sacred resources viewed as religious spirit Animals. I also visit the Colville National Forest as well as BLM and Forest Service grazing allotments in California, Oregon, Washington, Idaho, Montana and Wyoming. My next trip to Yellowstone National Park will be April 1, 2025, to document and film new wolf pups at their rendezvous sites.

25. The Service's failure to list wolves as threatened or endangered in Montana, Wyoming, Idaho, eastern Oregon and Washington and portions of Utah

exposes wolves in these areas to continued trophy hunting, trapping, targeting by USDA Wildlife Services and state and county agencies for killing following livestock conflicts, and unregulated removals as predatory animals or varmints. Wolves that I value for viewing, spiritual practices, and for their existence value are being killed in ways that listing under the ESA would prevent.

26. Wolves that I view in the northern portion of Yellowstone National Park, including members of the Junction Butte, 8-Mile, and Lamar Valley packs, will be killed because of the lack of federal ESA prohibitions on wolf killing. The killing of wolves from affected Park packs will continue to lead to reduced pack size, leading to ecological shifts resulting from the loss of large packs' ability to take large and dangerous prey such as bison. The loss of pack members will also continue to destroy the family hierarchies and social structure of Park wolf packs, leading to pack dissolution as has been definitively shown by recent scientific research from Yellowstone National Park. This is harming my personal interests in wolves and wolf conservation.

27. It is essential that federal agencies apply the best available science and fully protect wolves under the ESA to prevent state-sanctioned depredations on wolves stemming from an absence of a conservation ethic and hostility toward wolf

population survival and recovery on the part of Idaho, Montana and Wyoming state governments.

28. I believe that if we prevail in this case, and this Court orders the U.S. Fish and Wildlife Service to apply the best available science on threats to wolves in the western United States (including the NRM) as required by the ESA, the harms to my personal and professional interests and those of Protect the Wolves, would likely be redressed. The U.S. Fish and Wildlife Service would be required to apply the science and list wolves which, in turn, would help the species survive and recover in the NRM and throughout the western United States. This would likely remedy the harm to me and Protect the Wolves.

Executed this 13th day of January, 2025.



Roger Dobson